

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**LOUIS G. RASETTA and JOHN J. SHAUGHNESSY,
as they are TRUSTEES, INTERNATIONAL UNION
OF OPERATING ENGINEERS LOCAL 4 HEALTH
AND WELFARE, PENSION AND ANNUITY FUNDS,
and LOUIS G. RASETTA and CHRISTOPHER
BARLETTA, as they are TRUSTEES, HOISTING AND
PORTABLE ENGINEERS LOCAL 4 APPRENTICE
AND TRAINING FUNDS and INTERNATIONAL
UNION OF OPERATING ENGINEERS, LOCAL 4,
Plaintiffs**

C.A. No. 05-10425 RCL

vs.

**SAI SURVEYING CORPORATION and
BARBARA SZEPAWOWSKI,
Defendants**

and

**CITIZENS BANK,
Trustee**

AFFIDAVIT OF JAMES BUCCI

1. My name is James Bucci. I am the Field Agent for the International Union of Operating Engineers Employee Benefit Funds ("Funds"). In my capacity as Field Agent, I audit the books and records of, and collect fringe benefit contributions owed by, contractors that are signatory to collective bargaining agreements with the International Union of Operating Engineers Local 4 ("Union").

2. Defendant SAI Surveying Corporation ("SAI") is signatory to a collective bargaining agreement with International Union of Operating Engineers Local 4E, called the Field

Engineers - Technical Engineers Agreement ("Agreement"), a copy of which is attached to the Complaint as Exhibit A.

3. The Agreement binds SAI to the Funds' Trust Agreements and obligates SAI to make contributions to Plaintiff Funds for each payroll hour for each person covered by the Agreement, in accordance with the rates set forth on the Schedules of Wages.

4. Specifically, the Agreement, in part, obligates SAI, upon written authorization by its employees, to withhold an amount from the employee's gross wage, before taxes, for deposit in the Annuity & Savings 401(k) Fund.

5. Pursuant to the Agreement, SAI is also obligated to deduct and remit a negotiated percentage of the gross wage package, before taxes, for union dues.

6. Since filing the lawsuit in November, 2003 on which it received a Default Judgment against SAI, the Funds have deduced through a review of employee pay stubs that SAI has amassed an additional delinquency of \$59,165.04 in contributions owed for the period July through December, 2004.

7. SAI's corporate headquarters are located in South Boston, Massachusetts.

8. However, upon information and belief, SAI president and treasurer Barbara Szepatowski ("Szepatowski") operates in the usual course of business out of an office in Jamestown, Rhode Island. The collective bargaining agreement SAI signed with the Funds lists the Jamestown, Rhode Island address as its place of business.

9. SAI requested field engineers from the International Union of Operating Engineers Local 4 to work on a number of projects within the Commonwealth during the period May through December, 2004. Field engineers were then provided to SAI under the terms of the

collective bargaining agreement. SAI was obligated to make contributions to Plaintiff Funds for each hour worked by the covered employees.

10. The Funds never received the contributions owed from SAI for hours worked by its members. Additionally, the Funds did not receive remittance reports for hours worked between July and December, 2004.

11. Upon information and belief, SAI's Massachusetts-based projects during the months of May through December, 2004 were coordinated, in part, from the South Boston corporate office or from the various Massachusetts-based job sites themselves.

12. The Funds have ascertained that, pursuant to the terms of the Agreement, SAI would owe \$5,168.84 in interest on the unpaid contributions due if these contributions were paid by June 30, 2005.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 23rd DAY OF JUNE, 2005.


James Bucci

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by mail on June 2, 2005